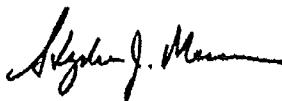


RIAEC Meeting, January 2, 2013, Summary of Executive Session

The Commission went into executive session in order to discuss the results of the Chairman's Report on the review of the HP recruitment and selection process (copy attached). The main elements of the report were discussed. There was acceptance of the report including mention by Commissioner Nunes, who participated in the process (though not as a representative of the Commission), that it appeared to reflect what he knew of the process. Following discussion of the major findings of the report, the Chair asked each Commissioner to state their preference among the three options presented, A, B or C. Three of the 4 Commissioners present recommended Choice A to guide our action on the matter; one Commissioner recommended Choice B. The Commission formulated its action as follows: upon reviewing the matter, the Commission finds discrepancies in the recruitment and selection process for the position of Health Physicist and will move to re-open the position in accord with direction from appropriate state authorities. The Commission emphasized that Constance Hathaway, who was hired in this process, is an innocent victim in the matter and that there is nothing to indicate that she in any way misrepresented herself or her credentials to the recruitment committee. The Commission suggests she be allowed to continue at the Center until a new Health Physicist is in place. The Commission asked for a recess and directed the Chair to alert Ms Hathaway to the action that was to be communicated following the recess in open session. Upon return from recess, before leaving executive session, the chair asked for a vote on the wording of the action: "upon reviewing the matter, the Commission finds discrepancies in the recruitment and selection process for the position of Health Physicist and will move to re-open the position in accord with direction from appropriate state authorities". The vote was 4 in favor 1 opposed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen J. Mecca". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen Mecca, Chairman

CONFIDENTIAL – NOT A PUBLIC DOCUMENT

Report on review of the HP recruitment & selection process

At the meetings of December 10th and 18th 2012 RINSC staff introduced the new Health Physicist, Constance Hathaway and the Commission was given a copy of her resume. Noting the absence of a degree in Health Physics or a degree with a concentration in the discipline, the Commission moved to investigate the recruitment and selection process that resulted in this hire. To that end, the Chairman conducted the following activities relating to the process:

- A review of the recruitment file.
- Circulation of resume cover sheets for the topmost (in the file) 6-7 applications to Commissioners and Dr. Mannock
- Calling several candidates to gain perspective on the process from their vantage.
- Determination of who served on the ad hoc recruitment committee (initially thought to be T. Tehan, A. Nunes and S. Guarino).
- Review of the Tech Specs Amendment 29 relative to the HP position
- Request for information from A. Nunes
- Meeting with Dr. Mannock and Steve Guarino. The questions discussed related first to the process (see attached HP Hiring Process questions) and next to each individual candidate.
- Review of educational qualifications for several open positions for Health Physics on-line

This report will document my findings on the matter.

The recruitment and interview committee did consist of T. Tehan, then Director, S. Guarino, RSO and A. Nunes, retired URI faculty member and member of the RIAEC. Dr. Clinton Chichester of the URI Safety Office was invited to participate though he never attended any interview meetings but was sent copies of applicant resumes. J. Davis was part of the process but didn't attend all interview sessions. Dr. Nunes was separately invited by the Director and the RSO. Officially, he did not represent the Commission as the Commission was not asked for a representative and the Chair didn't appoint one.

Being rather new to his position, the RSO had never participated in a search to fill a professional position. Yet he was directed to play key roles in the process – reviewing all resumes, deciding who should be invited for an interview, phoning candidates and deciding who was to be included and who not included in the top tier of applicants. Some of those decisions were based on non-disqualifiable criteria, e.g. over-qualification, "flight risks", present locations and, in the case of one applicant, a phone statement re: not getting along with doctors who were expressing concern over 1-2 mR exposures. The selection of candidates to be interviewed fell mainly on the RSO, who referred to these as "people I wanted". In spite of his newness to such a process, to his credit the RSO made those difficult calls to all those who sent a resume but were not selected- a part of the process that was done well.

Not one of the applicants had anything approaching a complete file; save for one candidate, only resumes were sought and considered. Transcripts and letters of recommendation were not requested. Sixteen (16) resumes were in the recruitment file though it was said that there were 20 or more. Seven (7) were selected for interview; 6 were interviewed at the Center by 3 (sometimes 4 members of the committee) and 1 by the RSO only. The committee never met as a committee to collect individual rankings of the candidates or to discuss who would be interviewed; there were informal discussions

between the Director and RSO about this. Three finalists were selected, two (with Physics degrees) from the URI and one (Nuclear Engineering with an HP Concentration) from RPI. One of the finalists did not have a resume in the office file. The final selection was made by the Director, RSO and (I believe) by Dr. Nunes (not sure if he recused himself from the final selection given the final 3 included two of his students). A very brief synopsis of the 16 resumes in the file is shown below.

Resumes for HP Position					
	UG Degree	Grad Degree (MS)	Other	Experience (FTE)	
BS	Physics	MS Radiological Sciences & Protecti	AS Nuclear Eng'g Tech'y	10+ yrs	
CH	Physics			<3 months	
AR	Nuclear Eng'g w/ HP Concentration		AS Engineering Science; AS Mathematics	<1 year	
HC	Physics	MS Radiological Science & MS Physi	PhD Physics	1+ year	
MK	Physics	MS Medical Physics	PhD Health Physics	~4 years	
FB	Expressed interest - no follow by the committee				
U			CCRI incomplete	~4 years	
AD	Physics	MS Physics	PhD Physics	<1 year	
VC	Physics	MS Physics	Grad Cert Medical Physics, Post-Grad Com	~6 years	
TG			ME UG in process	~2 years	
KP	Health Physics			2-3 years	
DH	Nuclear Eng'g & Radiological Sciences	MS Nuclear Eng'g & Radiological Sciences		3 months	
DP	Health Physics	MS Health Physics		2 years	
MJ	Nuclear Eng'g Tech'y	MS Radiation Health Physics in process		8 years	
SM	Nuclear Eng'g			2 years 3 months	
PO	Math & Physics	MS Nuclear Eng'g in process		1+ years	

Initially the prompt for the Commission's review of the process was the absence of an HP degree by the selected candidate (see arrow above). As the review unfolded, the process itself was called into question for several reasons:

- Unclear who was presiding over the committee
- Gross shortfall in direction by the Director
- Inexperience of the RSO, who played a decisive role in selecting candidates for interview
- Unacceptable dis-qualifiers used
- Committee considered only resumes; application files were incomplete
- Perception of conflict

What are the educational qualifications for the RINSC HP position? The Tech Specs only specify educational qualifications for the positions of RSO and above. One would expect that the normal minimum requirement for the position of Health Physicist would be a BS in Health Physics, Radiological Sciences or equivalent. A quick review of 5 open positions for Health Physicists taken from postings on the web reveals the following:

Position 1: BA/BS in health physics, related discipline, or equivalent; 6+ years experience.

Position 2: Master's degree or foreign equivalent in Medical Radiation Physics; 2+ years experience.

Position 3: Degree in natural science or engineering that includes at least 30 semester hours in health physics, engineering, radiological science, chemistry, physics, biology, mathematics, and/or calculus. OR A combination of education and experience, courses as shown above, plus appropriate experience or other education; or certification as a health physicist by the American Board of Health Physics, plus appropriate experience and other education that provided an understanding of sciences applicable to health physics.

Position 4. Bachelor's degree in Health Physics or a related field and three years of experience in a radiation protection program; or Bachelor's degree in an appropriate scientific or engineering field and five years of radiation safety technician experience; or Master's degree in Health/Medical Physics or equivalent combination of education and experience as determined by the Radiation Safety Officer.

Position 5. Bachelor's degree in Health Physics, Radiological Health, Nuclear/Radiological Engineering, or related field or equivalent combination of education and 1-3 year job related experience.

As I was completing this report, I received copies of the actual state posting, which appeared on the RIDLT website and the open position announcement that was sent to TRTR according to the RSO; copies of which are attached. Attention is drawn to the official RI posting language shown below and to the appended Class Title: Health Physicist.

Minimum Education &
Experience

EDUCATION / EXPERIENCE / SPECIAL REQUIREMENTS:

(A class specification describing the duties of the position and the minimum qualifications will be furnished upon request.)

Education: Such as may have been gained through: graduation from a college of recognized standing with a Bachelor's Degree in Health Physics and supplemented by completion of graduate study in Health Physics or Nuclear Physics; and **Experience:** Such as may have been gained through: employment in responsible technical position in the field of Health Physics, preferably at a nuclear reactor facility. Or, any combination of education and experience that shall be substantially equivalent to the above education and experience.

EDUCATION AND EXPERIENCE:

Education: Such as may have been gained through: graduation from a college of recognized standing with a Bachelor's Degree in Health Physics and supplemented by completion of graduate study in Health Physics or Nuclear Physics; and

Experience: Such as may have been gained through: employment in a responsible technical position in the field of Health physics, preferably at a nuclear reactor facility.

Or, any combination of education and experience that shall be substantially equivalent to the above education and experience.

Class Created: December 19, 1999

Editorial Review: 3/15/03

This is especially revealing in that the minimum educational requirement is even more demanding than an undergraduate degree in Health Physics requiring supplement graduate study as well.

It is interesting to compare this official state documentation with the notice sent to TRTR in this case. Here there is no mention of graduate study and the undergraduate degree requirement language has been changed to Health Physics or Nuclear Physics! The origin and authorship of this document are unknown.

Dr. Kadak is looking into the explicit or implicit qualifications within the NRC. Notwithstanding the results of this query, the question remains, how and why would the candidate with the least HP-relevant educational credential and experience become one of those selected for interview, emerge to the top three and ultimately become the one selected for the position? If the Commission accepts this report and other supportive testimony, what should be done? There are two broad actions possible:

- A. Declare the recruitment/selection process flawed to the extent that the search should be re-opened. This would result in the dismissal of the HP, an innocent victim in the matter.
- B. Declare the recruitment/selection process flawed but retain the HP, an innocent victim, pending her successful completion of a satisfactory external training program (to be determined by the RSO in consultation with the NRSC) at her expense and in an agreed-upon time frame.

If the Commission does not accept this report (at least its major findings) and other testimony, then it could:

- C. Do nothing

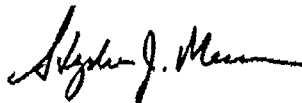
Each of these actions have implications for succeeding actions; e.g. choice A will require convening a search committee, etc.

Recommendation of the Chairman: Choice A with consultation from RI HR re: the dismissal of the present HP.

Future policy implications

The Commission has served as a committee of the whole in the recruitment of Director, RSO and AD positions but has left the organization of recruitment to the Director, who then reports the findings and recommendations to the Commission. It is tempting to change this policy in light of the findings of this review. Yet, the Director is expected to exercise professional judgment in such matters. In this writer's opinion there was a serious shortfall in judgment leading to a seriously flawed HP search. While removing this responsibility from a Director is not recommended, more oversight of the process and formal acceptance of its outcome should be burned into Commission policy for hires at the lower levels.

Respectfully submitted,



Stephen Mecca
Chairman


Appendices

HP Hiring Process Questions

- Who was on the recruitment committee? Terry, Steve, Tony, Jeff (but not for all meetings as he was sick for some of this time). Did Terry organize this search? Were any other individuals invited to participate?
- Have you ever participated in a search to fill a professional position?
- Who led the process? Chaired the ad hoc committee?
- What was the process? Advertise>>Receive Resumes & Letters of Interest>> Sort/Score/Select Target Candidates/Interview/Select Candidate?
- How many LoA's and resumes were received? What other documentation was sought? Letters of reference? Transcripts for highest degree?
- Phone calls to references for top candidates?
- Consideration given to telephone interviews given shortage of funds for interview travel?
- Any conducted?
- Was there consensus on the final candidates for interview? How was this reached?
- Was there consensus on the candidate selected? How was this decision made?
- Do you feel the process was fair to all concerned?
- Is the selected candidate's credentials the best among those of the applications received?
- Is the selected candidate qualified as a Health Physicist?

V ANCY NOTICE
FOR OPPORTUNITIES IN RHODE ISLAND STATE GOVERNMENT

CS-378
REV(11/01)

Description of Position	TITLE OF POSITION: HEALTH PHYSICIST		CLASSIFICATION CODE: 02816100
	SALARY RANGE: 130A 54,233 - 81,330		REFERENCE POSITION NO.: 262010000-00044
	Department or Agency Name: OTHER COMM & AGENSIES		APPLICATION PERIOD: 9/13/12 - 10/12/12
	Division/Section/Unit: ATOMIC ENERGY/NUC. SCCTCTR		GRACE PERIOD: 10/14/2012
	Assignment(s) / Comments:		
	Shift and Days: Monday-Friday 8:30-4:30		Job Location: 16 REACTOR RD, NARRAGANSETT
	Restrictions/Limitations: None		
	Position Covered By Collective Bargaining Union Agreement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
	Name of Bargaining Unit Union: Non-union		
	There is <input type="checkbox"/> is not <input checked="" type="checkbox"/> a Civil Service List for this position. See A/B or Both for Specific Instructions		
General Information to Candidate	<p>INSTRUCTIONS:</p> <p>A. STATE EMPLOYEE LATERAL BIDDER: Bids are now being accepted for the position(s) indicated. If you are currently in this classification and wish to bid, please complete fully the CS-14 Application Form, and RHEO 378 Affirmative Action Card. Remember to include, either on the application or within a cover letter, both the File Position Title and Number.</p> <p>Most Important - Please include the following information:</p> <ul style="list-style-type: none"> The title of the position for which you are applying Name of department where you are currently employed Title of your present position and date you entered it Your business telephone number Date you entered State service Present Union Affiliation <p>*** In certain agencies, bargaining union applicants will receive preferential consideration according to contract.</p> <p>B. NON INCUMBENT/NON STATE EMPLOYEE APPLICANT:</p> <p>If indicated above that <u>no civil service list exists</u> for this position, you need not be in the class of position, or be in State service to apply. All information requested on the application form must be furnished. The information you give will be used by the agency Personnel Office to determine your qualifications. If an item does not apply to you, or if there is no information to be given, write in the letters "N.A." for Not Applicable. If you fail to answer all the questions on the application form, you may delay consideration of your application.</p> <p>C. AMERICANS WITH DISABILITIES ACT (ADA) PROVISIONS:</p> <ul style="list-style-type: none"> Reasonable Accommodations: If an applicant is unable to perform any essential job functions because of his/her disability but can achieve the required results by means of a REASONABLE ACCOMMODATION, then the individual shall not be considered unqualified for the position. Medical Information: Any medical exams required for this position will be performed after a conditional offer of employment has been made in accordance with the Rules/Regulations of the Americans with Disabilities Act (ADA). 		
	DUTIES / RESPONSIBILITIES:		
	SEE ATTACHED JOB SPECIFICATIONS		
	<p>EDUCATION / EXPERIENCE / SPECIAL REQUIREMENTS:</p> <p>(A class specification describing the duties of the position and the minimum qualifications will be furnished upon request.)</p> <p>Education: Such as may have been gained through: graduation from a college of recognized standing with a Bachelor's Degree in Health Physics and supplemented by completion of graduate study in Health Physics or Nuclear Physics; and Experience: Such as may have been gained through: employment in responsible technical position in the field of Health Physics, preferably at a nuclear reactor facility. Or, any combination of education and experience that shall be substantially equivalent to the above education and experience.</p>		
	<p>Apply within the application period as shown on this announcement. NOTE: Some State union contracts allow a 3 day grace period for receipt of CS-14 application or bid. This Office does not assume responsibility for applications sent through the mail. SEND RESUME or CS-14 Application to:</p> <p>TERRY TEHAN RI NUCLEAR SCIENCE CENTER 13 REACTOR ROAD NARRAGANSETT, RI 02882</p> <p>Telephone #: (401) 789-8381 Fax #: (401) 782-4201 TTY/DD #: # 711 Email: ttehan@gso.uri.edu (Use communication Device for the Deaf)</p> 		

STATE OF RHODE ISLAND IS AN EQUAL OPPORTUNITY/DIVERSITY EMPLOYER

CONFIDENTIAL

Health Physicist Position Advertisement

The Rhode Island Nuclear Science Center (RINSC) is seeking candidates for the position of Health Physicist. RINSC maintains and operates a 2 MW research reactor that is used for education, research, and service work. In addition, the facility provides radiation safety services to the University of Rhode Island. The Health Physicist works under the direction of the Radiation Safety Officer to maintain an effective radiation protection and monitoring program.

Major duties and responsibilities include:

- Radiation Surveys
- Environmental Monitoring
- Radiation Survey Instrument Calibration
- Radiation Laboratory Inspection
- Radioactive Waste Disposal
- Radioactive Material Shipment
- Radiation Safety Training
- Record Keeping
- Technical Assistance to Experimenters
- Other related work as required

Required Qualifications are a Bachelor of Science Degree in Health Physics or Nuclear Physics, and experience as may have been gained through employment in a responsible technical position, preferably at a nuclear reactor facility, or any combination of education and experience deemed to be equivalent.

Candidates should send a cover letter and resume to:

Dr. Terry Tehan
Director
Rhode Island Nuclear Science Center
16 Reactor Road
Narragansett, RI 02882
(401) 789-9391 (Telephone)
(401) 782-4201 (Fax)
TTehan@rinsc.ri.gov

RHODE ISLAND ATOMIC ENERGY COMMISSION

Executive Session Votes Taken January 2, 2013 Meeting

The Chair called for a vote on whether "The Commission finds discrepancies in the recruitment and selection process for the position of Health Physicist and will move to re-open the position in accord with direction from appropriate state authorities."

The vote on this motion was as follows:

Commissioner S. Mecca: Yea

Commissioner B. Nassersharif: Yea

Commissioner P. Gromet: Yea

Commissioner A. Kadak: Yea

Commissioner A. Nunes: Nay

2/11/13

Rhode Island Nuclear Science Center Mail - Re: HP Search



Stephen Guadino sguadino@rinasc.nrc.gov

Re: HP Search

2/11/2013

— Original Message —

From: "Stephen Mecca" [REDACTED]

To: "Andrew Kadak" [REDACTED], "Dr. B. Nassersharif" [REDACTED], "Anthony C Nunes" [REDACTED], "L. Peter Gromet" [REDACTED]

Sent: Thursday, December 20, 2012 7:48:27 PM

Subject: Re: HP Search

I want to hear from Tony as I believe he was invited into the hiring process by Terry. Earlier today I called Tom Mannoock to update him on my findings and the growing sense of the Commission that the HD hiring process was smelly. I promised to send him the applicant cover sheets I sent you. He indicated it would be difficult to unseat the recently hired HD. As soon as I have Tony's input, unless it uncovers things we haven't seen, considered or yet understand, I am prepared to declare the search as failed and face the difficult consequences of unseating

2/11/13

Rhode Island Nuclear Science Center Mail - Re: HP Search

the new hire. I will also want to speak to Steve Guarino about this matter. There are still a couple of unanswered questions I wish to document.
Stay tuned.

..Steve

On Thu, Dec 20, 2012 at 1:45 PM, L. Peter Gromet [REDACTED] wrote:

I am leaving momentarily for a trip overseas and will not be returning until the middle of the January.

I support Steve's and Bahram's statements, particularly about the hiring process, and agree that in the future all hires should be submitted to the commission for approval before an offer is made.

Peter

On Dec 20, 2012, at 11:27 AM, Andrew Kadak wrote:

I completely agree. It is too bad for the people involved.

Andy

From: Bahram Nassersharif [REDACTED] On Behalf Of Dr. B. Nassersharif
Sent: Thursday, December 20, 2012 11:26 AM
To: Andrew Kadak
Cc: Anthony C Nunes [REDACTED]; Peter Gromet; Stephen Mecca
Subject: Re: HP Search

Andy/All,

URI was had an internet disruption yesterday afternoon which is probably the reason for e-mail problem.

Regarding the HP position, I think we should declare this a failed search and hiring since there is ample reason to believe that proper procedures were not followed and the most qualified candidates were not contacted. I have the same opinion about the search for RSO. Proper procedures were not followed.

2/11/13

Rhode Island Nuclear Science Center Mail - Re: HP Search

I suggest that we create a policy letter for the RINSC and the RIAEC. We cannot allow ad hoc behavior as has been exercised in the past several hirings. The policy for hiring should include a formal approval and vote by the RIAEC before anyone is hired or fired. The commission must have this power.

In light of our discoveries of the irregular hirings and questionably illegal/unethical procedures followed, what are we going to do about it? I think we have a responsibility to correct what we know to be wrong.

This is indeed not only a mess but an urgent situation. The longer we remain silent about these problems, the more we become party to it.

This last commission meeting was eye opening. The staff is out of control. Their attitude stinks. I am not sure how we can bring some order back to the center. Perhaps, having a set of strict policies that must be followed in the short term will solve some of the problems. Jeff Davis has a messed up sense of the mission of the center and it reflect in all of the staff.

In the mean time, the staff has been expanding and renovating their offices, buying executive style furniture, buying new computers, while brand new research equipment sits in boxes. This is a mess also.

I would also direct the Center to not engage in any deals or bartering agreements without a formal review and approval by the Commission. I see this as another area of concern.

My vote is to reopen the search for the HP position and make sure qualified candidates are given full consideration. I would like to do the same for the RSO position but perhaps that can be handled later.

I will be glad to help in any way possible.

Bahram Nassersharif, Ph.D.

2/11/13

Rhode Island Nuclear Science Center Mail - Re: HP Search

[REDACTED]

[REDACTED]

On Dec 20, 2012, at 10:53 AM, Andrew Kadak wrote:

Guys,

Your email bounced.

Andy

From: Andrew Kadak
Sent: Wednesday, December 19, 2012 8:28 PM
To: 'Stephen Mecca'; Dr. Bahram Nassersharif; Anthony C Nunes; L. Peter Gromet
Subject: RE: HP Search

Steve,

My reaction during the meeting when she was first introduced was that she was not qualified for the HP position. In reading her resume, it confirms that observation. The others appear to be much more qualified.

What we have here is another mess that we must address. If we need an HP we should have one that is qualified. We will likely need advice from the state human resources person on this issue as well.

Andy

From: [REDACTED] On Behalf Of Stephen Mecca
Sent: Wednesday, December 19, 2012 12:19 PM
To: Dr. Bahram Nassersharif; Andrew Kadak; Anthony C Nunes; L. Peter Gromet

2/11/13

Rhode Island Nuclear Science Center Mail - Re: HP Search

Subject: HP Search

Fellow Commissioners:

In the past week, we were introduced to the new Health Physicist at RINSC, Constance Hathaway. We had made note among ourselves of the shortfall in her credentials for the position. I took time yesterday afternoon to have a look at the recruiting file. Recall some background on this. First there was the limited local "recruitment" for the RSO orchestrated by Terry to assure an inside person was selected; you all know our reaction to that process; Terry (and his committee) then conducted a wider search for the HP person and from the looks of the file uncovered a reasonable number of applicants though I cannot tell whether he solicited complete applications or just a resume. So, I looked at the resumes and am attaching a cover page from the first 7 ones I found in the file. Please have a look at these. I'm not sure of the full makeup of the committee; it appears that it included Terry, Steve Guarino and Tony but at least one of the interviews appeared to have another interviewer involved.

My reason for bringing this to your attention has more to do with the things we are noticing about Terry's behavior in recent months especially in the RSO recruitment process.

Tony, I'm hoping you can shed some light on the process for recruiting for the HP position. Specifically, who was on the committee, how many candidates were interviewed, did the files of candidates consist of anything more than a CV, were other credentials sought, how were the applicants evaluated or scored, how was the final decision arrived at? I ask this because, on the surface, the educational credentials of the selected candidate appear inferior to those of the rejected candidates. We have always left the recruitment of persons at this level to the Director and a committee of his choice with the Commission only dealing with RSO-AD-Director positions. The Director's recruitment results in a report to the Commission on the process and the selected candidate; we really didn't receive this in the HP case. I decided to try reaching the turned-down candidates but was only able to reach 3 of them. I learned that they did receive a call that they were not selected; one indicated he was interviewed by 4 people. The folks I spoke with were not asked to submit any other items (references, transcripts, personal statements, etc.) While I don't like how this smells so far, I do not have solid evidence of foul play. I was hoping you might consider what I have uncovered on this and that Tony might cast some light on the matter for us. Tony, I'm assuming that you didn't vote on the Hathaway application. Can you confirm this as well.

I need everyone's opinion on this and whether or not you believe we should take a next step.

Thanks.

..Steve

—
Stephen Mecca, Ph.D.